

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ JUL 31 2012 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**BROOKLYN OFFICE**

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WENDELL JENKINS; ERIC GAY;  
JAMAL LAURENT,

NOT FOR PUBLICATION  
**ORDER AND CIVIL JUDGMENT**  
12-CV-1720 (CBA)

Plaintiffs,

-against-

MEDICAL STAFF; P.A. BERNARD; AND  
JANE/JOHN DOES; OFFICER SANTIAGO;  
LIEUTENANT SPEARS; OFFICER  
CASTELLON; OFFICER KING; OFFICER  
JIMENEZ; OIC JOHN DOE; OFFICER OKOLU;  
OFFICER HENDERSON; OFFICER LOU;  
OFFICER MORREIRA; OFFICER GARCIA;  
AND OFFICER JANE/JOHN DOES; OFFICER  
DEMO THENES; OFFICER LOPEZ; OFFICER  
COLON,

Defendants.

-----X  
AMON, Chief United States District Judge.

On March 16, 2012, *pro se* plaintiffs, all incarcerated at the Metropolitan Detention Center (“MDC”), filed this action pursuant to, *inter alia*, 42 U.S.C. § 1983. On April 24, 2012, plaintiffs Wendell Jenkins (“Jenkins”), Jamal Laurent (“Laurent”) and Eric Steven Gay (“Gay”) filed requests to proceed *in forma pauperis* (“IFP”) pursuant to 28 U.S.C. § 1915(a), which the Court granted by Order dated June 18, 2012. See Dkt. Entries 10, 12, 14 & 17.<sup>1</sup> In the same Order, Jenkins, Laurent and Gay (“the Remaining Plaintiffs”) were granted thirty (30) days leave to file an amended complaint to comply with Rule 8 of the Federal Rules of Civil Procedure and to

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<sup>1</sup> Based on their requests, the Court also directed the Clerk of Court to terminate fellow inmates Naquan Horne, Antoine Morris and Kenneth Moore from the action. See Dkt. Entries 7-9 & 17.

establish that each remaining plaintiff has standing to bring this action against each defendant. By letter dated June 21, 2012, Laurent requested to be terminated from the action. See Dkt. Entry 18. The Court grants Laurent's request. To date, the remaining plaintiffs have failed to respond to the Court's June 18, 2012 Order and have not filed an amended complaint.<sup>2</sup> Plaintiffs were warned that if they failed to file an amended complaint, judgment dismissing this action would be entered. Accordingly, it is

**ORDERED, ADJUDGED AND DECREED:** that the action is hereby dismissed without prejudice pursuant to 28 U.S.C. § 1915A. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order and Judgment would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

S/Chief Judge Amon

Carol Bagley Amon  
Chief Judge, United States District Court

Dated: Brooklyn, New York

*July 31*, 2012

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<sup>2</sup> The Court notes that by Order dated June 30, 2012, Gay was granted leave to file an amended complaint in another pending action. See Gay v. Terrell, 12-CV-2925 (CBA). Gay's allegations in that action are the same as or similar to those in the instant complaint. Thus, it appears that Gay is pursuing his claims in his other action.